

SENATE BILL 3036
By Harper

AN ACT to amend Tennessee Code Annotated, Title 50, Chapter 7,
relative to unemployment compensation for certain victims
of domestic violence.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-7-302(b), is amended by adding
the following as a new subdivision (5):

(5)

(A) Notwithstanding any other provisions of this chapter, in order to provide protection for an individual and a small child or children domiciled with the individual, no otherwise eligible individual shall be denied benefits because the individual left work or was discharged due to circumstances resulting from the individual being a victim of a domestic violence offense that meets the elements of §§ 40-14-109(a)(2) and (3) or a victim of stalking, aggravated stalking or especially aggravated stalking as defined in § 39-17-315. No employer's account shall be charged for the payment of benefits to an individual who left work due to circumstances resulting from the individual being a victim of domestic violence or stalking, aggravated stalking or especially aggravated stalking.

(B) For the purposes of this subdivision (5), the individual shall be treated as being a victim of domestic violence or stalking, aggravated stalking or especially aggravated stalking if the individual provides one (1) or more of the following:

(i) A restraining order, order of protection, or other documentation of equitable relief issued by a court of competent jurisdiction;

(ii) A police record documenting the domestic violence or stalking, aggravated stalking or especially aggravated stalking;

(iii) Documentation that the perpetrator of the domestic violence has been convicted of one (1) or more offenses that meets the elements of §§ 40-14-109(a)(2) and (3), or stalking, aggravated stalking or especially aggravated stalking as defined in § 39-17-315;

(iv) Medical documentation of the domestic violence;

(v) Certification from the director of a family violence shelter, established pursuant to title 71, chapter 6, part 2, that the individual is a victim of domestic violence or stalking, aggravated stalking or especially aggravated stalking; or

(vi) Other documentation or certification of the domestic violence or stalking, aggravated stalking or especially aggravated stalking provided by a social worker, member of the clergy, shelter worker or other professional who has assisted the individual in dealing with the domestic violence or stalking, aggravated stalking or especially aggravated stalking.

(C) No evidence of domestic violence or stalking, aggravated stalking or especially aggravated stalking experienced by an individual, including the individual's statement and corroborating evidence, shall be disclosed by the department unless consent for disclosure is given by the individual.

(D) Notwithstanding any other provision of this chapter to the contrary, an individual receiving benefits under this subdivision (5) shall not be required to actively seek employment for a period of sixty (60) days following the date the benefits authorized under this subdivision are first paid to the individual.

(E) "Suitable work" as it applies to a claimant to whom this subdivision (5) applies, must reasonably accommodate the physical, psychological, legal and other

effects on such an individual who is the victim of domestic violence or stalking, aggravated stalking, or especially aggravated stalking.

(F) The provisions of this subdivision (5) shall only be available to an otherwise eligible individual to whom this subdivision applies no more often than once in any two (2) year period.

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it.